

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

KEVIN LEE BAUGH,)	
)	
Plaintiff,)	
v.)	Case No. CIV-25-30-GLJ
)	
LELAND DUDEK,)	
Acting Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

CORRECTED OPINION AND ORDER¹

Claimant, Kevin Lee Baugh, was the prevailing party in this action under the Social Security Act. Claimant seeks an award of attorney’s fees in the amount of \$882.00 for 3.5 hours of attorney work pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). [Docket No. 15, Ex. 1]. The Commissioner has no objection to the fee award. [Docket No. 16].

Upon review of the record herein, the Court finds that the agreed amount is reasonable, and that the Commissioner should be ordered to pay it to Claimant as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) (“Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort)[.]”); *see also*

¹ This Corrected Opinion and Order is entered to correct a typographical error as it pertains to the attorney’s fees awarded in the April 15, 2025, Opinion and Order (Docket No. 17). As reflected herein, the amount of attorney’s fees to be awarded in this matter is \$882.00.

Manning v. Astrue, 510 F.3d 1246, 1251 (10th Cir. 2007) (“The EAJA therefore permits attorney’s fees reimbursement to financially eligible prevailing parties, who make a proper application, and not to their attorneys.”).

Accordingly, IT IS ORDERED that Plaintiff’s Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act [Docket No. 15] is hereby GRANTED. The Government is hereby ordered to pay the above referenced amount to Claimant as the prevailing party herein. IT IS FURTHER ORDERED that if Claimant’s attorney is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b)(1), said attorney shall refund the smaller amount of such fees to the Claimant pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED this 17th day of April, 2025.



GERALD L. JACKSON
UNITED STATES MAGISTRATE JUDGE